

The Madison County Plan Commission on the above date at 9:30 A.M. with Bill Maxwell, President, presiding.

Members Present: Bill Maxwell, Paul Wilson, John Randall, Jr., Gary Gustin, John Orick, Brad Newman and Wesley Likens.

Members Absent: Mark Gary and John Simmermon.

Also Present: Michael Hershman, Executive Director. Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

Mr. Maxwell introduced Gary Gustin as the new member from the County Council to serve on the board.

### Current Business

1. Roll call was taken and two members, Mark Gary and John Simmermon were absent.
2. The minutes of the January 9, 2007 and Special Hearing, January 17, 2007 meetings were distributed to each member prior to the meeting. Mr. Wilson made a motion to table both sets of minutes until the April 10, 2007 meetings. Mr. Orick seconded the motion. The vote was unanimous in favor of the motion.

The board was informed that our regularly scheduled meeting February 13, 2007 was cancelled due to weather. The courthouse its self was close on that date therefore, as the government facility had a snow emergency anything that was set for the agenda on that date is automatically held over until today's date. Notifications are not necessary as there were given for that meeting.

### New Business

1. **Petition #512 of Marva J. Paulie, landowner and petitioner, for Relief of Administrative Subdivision Regulations width to depth ratio.** This property is zoned "AG" and is located on the south side of 900S just east of Co. Rd. 400W in Fall Creek Twp. and containing 35 acres, more or less.

Mr. Hershman said, houses and fields characterize the surrounding area. The site is a house, barns and fields.

Ms. Paulie is seeking approval of a waiver of the maximum lot depth requirement. The Ordinance requirement is 3.5x the lot width. The proposed lot is 200 feet wide and 1,343 feet deep. Mrs. Paulie is making the request in order to divide  $5 \frac{2}{3}$  acres from the balance of the property where the existing house and barns are.

This is the first step in the process. If the request were approved, the applicant would then proceed with the administrative plat.

Proper notification was given.

Marva Paulie, her son and her surveyor, John Manship were present representing this request.

Mr. Manship said, the son will take title to this particular real estate that has the house and out buildings on it. He is presently living in the house.

The lot is 200' x 175'. The pasture area is in the back.

Mr. Paulie said, in the future he would have some animals in the back for his kids for 4-H.

There were no remonstrators present.

Mr. Wilson made a motion, seconded by Mr. Newman to approve Petition #512.

The vote was unanimous in favor of the motion. **Petition #512 of Marva J. Paulie, landowner and petitioner, for Relief of Administrative Subdivision Regulations width to depth ratio was approved.**

## 2. Discussion of Ordinance Changes

Mr. Hershman said, the next three or four items are miscellaneous items.

The first item is two proposed ordinance changes. The first is the Corridor Development Overlay District.

- a. Corridor Development Overlay District
- b. Home Businesses

The Board of Zoning Appeals recently had a case regarding several buildings in the Corridor Overlay District. The Corridor Overlay District stems from finding new non-residential development along State Roads. These statutes include, signage, building orientations, building materials, roofs, landscaping, lighting, and pedestrian walkways.

The BZA had a case that involved roof requirements and this issue is coming up on another project. The question has come up whether to modify some or all of the standards in the Corridor Development Overlay District.

This came up before the BZA when Pilot and Pilot has pretty much set a franchise standard and it also had a McDonald's in it and McDonald's has pretty much a set design. We also have another national franchise coming in that their roof standards are very distinctive.

Mr. Wilson said, I asked Michael to place this on the agenda because I think we need to talk about it simply because, I understand the BZA decision but there are two points of view when it comes to the Corridor Overlay District.

My question is, the Corridor Overlay District encumbrances what ever is zoned Corridor Overlay in the entire county and not just --- all these questions are coming up right now at 13 and 69. But that also includes St. Rd. 9, 800N, St. Rd. 128, 13, just a lot of area. So, what is the feeling? Does each and every one of these need to be looked at individually or whether the concept of an over all look Corridor District is still going to hold for the county.

I just wonder where we are going to get in to a problem in telling one man he's got to do it and the next guy no. I don't know what all that impacts.

I just asked Michael to bring up to get a sense from the Commission as to if we are going to have that rule in the book and to adhere to the concept of it how far we want to go in flexibility on the issues.

Mr. Hershman said, most of the franchises have a pretty set look but if the approval agencies have stuck to their guns the franchises have modified their look.

Mr. Maxwell said, I really think this board needs to take a look at this in a little more detail.

Mr. Shine said, I think we need to have just a little up date for the Planning Commission. It's not being handled by the Planning Commission or by myself but I understand Jim Wilson on behalf of the County Commissioners has instituted some litigation against the Town of Ingalls in regards to the annexations. That has not been settled yet. There are some discussions going on but it does appear like possibility the annexations may not go as the Town of Ingalls has indicated. So we are going to have probably at looking at it, we are still going to have a certain amount of land that is still going to be within the county and under the county jurisdiction.

I also need to bring to your attention that DB Mann has made a request in writing to vacate their final plat of the Summerbrook Retail Center. They do not need a hearing on this but they did notify us as to what they were doing.

The main purpose of advising you of this is that we do have this Corridor Overlay District in that area. We have it not only on the north side but we have the one that's pending now with Pilot. There is going to be some area on the south side also.

Mr. Wilson said, my purpose today was to get this on the floor to look at. It's obvious that there has all ready been a filing on the second issue with the BZA so, whatever decision this body makes is mute. It appears now that everyone in that area that is going to come in and ask for relief. I would just like this group to take a look at what we've got and see if that is what our intent is in the book. Because as it stands right now if somebody comes in to the Planning Department it says, I've got this business, I want to build this business then the Plan Director is going to get the book out and say, here's the book. So, if that's what we want to run by then okay. If we need to alter the books so all those developers that come in are on the same footing and understand that then we need to alter the book. But I think we need to look at it.

Mr. Hershman said, do we want to get to the point where the way it is now we decided we would keep the standards in the books and we would do it on a case by case basis.

Mr. Shine said, this seems to be mainly about roofs. Maybe if we look at other jurisdictions might have for roofs. Our point of view was very definitely, we didn't want to drive over the Interstate and look down and see the tops of a bunch of roofs.

Mr. Maxwell said, I think we should study this a little bit and come up with something.

Mr. Shine said, once we get this information from Michael send a letter to the contractors, realtors, and the Chamber of Commerce and just ask them for any input.

Mr. Hershman said, I will come up with some examples for the next meeting.

Mr. Hershman said, the next item is Home Business.

Mr. Hershman said, again this is an issue as several small businesses, which started and sought approval after the fact. The question that comes up is, what to do when people want to start businesses from their homes or properties. A possible change is in the Home Occupation type two. These are permitted in the agricultural and residential zoning districts with a special use. However, limitations can be placed on them with BZA approval.

Mr. Randall said, most of the ones that come before the BZA for approval have been operating for a long time illegally and someone complains and that's when they come before us. Your regulations say here that one member of the group residing on the premises must be the primary operator of the business. It's all over the county. No matter where you go you see it.

Mr. Wilson said, if you rule that book to the complete black and white sense it may not be practical now a days as far as some of these home businesses are concerned.

My only question on this is, is the system really broke? Do we want to get in to the zoning police? Or do we want to rely up on the guy who starts the business messes up and causes a problem and we deal with it?

I have a sense that the Commissioners would like the Planning Commission to at least take a look at that special use in the CR when it comes to some kind of an agricultural type use.

Mr. Hershman said, well the only thing I can think of on this one is, do we want to take a look at landscaping in the CR District?

Mr. Newman said, I believe we should leave this alone. I feel there is no need to mess with this issue.

Mr. Shine said, I think we really need to take a look at this.

Mr. Hershman said, I will look at this and have some changes for you to look at for the next meeting for changes in the ordinance regarding special uses in the CR District.

### 3. Presentation of Annual Report:

After some discussion on the Annual Report for 2006 Mr. Orick made a motion, seconded by Mr. Likens to approve the Annual Report for 2006. The vote was unanimous in favor of the motion.

### 4. Discussion of Request for Qualifications for CFO's.

Mr. Hershman said, one of the issues that we need to resolve on the CFO's is, the people who are going to do the actual testing of the wells. What you have before you is a proposed list of qualifications. So, when we actually have a CFO come before us we can have a system where you can go before them. Right now this is just a sample of what was pulled together so you can hire a person or a firm to do the testing so we will have that in place.

We will send these out to get some idea of a cost and then we can establish a fee schedule and have a permit in place so we can do it. The board will approve who is going to be doing the work and then we can also discuss with them what they would be doing. Narrow it down to two or three people and have them come before the board and then choose amongst the three.

#### 5. Miscellaneous

Patrick Manship was present and stated he would like to speak to the board.

Mr. Manship said, just recently the county passed a new ordinance of the boundary survey on the parent tract for the Administrative Plats. That's a good policy. I appreciate everybody going through with that.

I can't stress enough the need for a county drainage ordinance. There is no uniform process. I would appreciate the board looking at this.

The other item I have is, if there is a disagreement with the Planning Director we can file a waiver. It takes time. My request is that we get something in writing. We need to look at the book. It is spelled out what is allowable and what is not. If we disagree with one another we need it in writing.

Mr. Newman said, it was about two years ago we had two or three Executive Sessions discussing the personnel in the Planning Department. I think it's been at least a year and a half since we had our last one. With Kyle recently leaving and that being open I just wondered if we would like to have another Executive Session to take a good look at the Planning Department and the personal and see if we have any ideas of where we would like this to go.

Mr. Wilson said, I would like to see this done annually. Have an annual meeting that is advertised for that purpose under the statute for Open Door.

It was the consensus of the board to do this each year on the third week in May starting next year.

Mr. Newman said, I still would like to see one this year and have it real soon.

Mr. Newman said, I move to have an Executive Session for personnel purposes on April 10, 2007 immediately following the Planning Commission meeting in room 110. Mr. Likens seconded the motion. The vote was unanimous in favor of the motion.

Greg Valentine, 5970 S 800W.

Mr. Valentine said, concerning Rafert Farms, Paul Clair and Brian Tuohy, they did meet with Fall Creek Regional Waste District last month telling us they can't come up with the payment they owe us. They are about three months behind. They have paid some.

It's getting to be a mess out there with the weeds and such. A letter needs to be sent stating something needs to be done before it gets out of hand.

Mr. Orick made a motion, seconded by Mr. Newman to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 11:06:31 A.M.

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Bill Maxwell, President

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Beverly Guignet, Secretary